



General Assembly

January Session, 2017

Substitute Bill No. 7256



AN ACT CONCERNING REVISIONS TO CERTAIN CRIMINAL JUSTICE STATUTES AND THE REPORTING OF THE DEATH OF ANY PERSON IN STATE CUSTODY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2017*) Each department head, as
2 defined in section 4-5 of the general statutes, including the
3 Commissioner of Education, and the Chief Justice of the Supreme
4 Court shall promptly notify the Division of Criminal Justice of any
5 death of a person in the care, custody or control of any person or entity
6 under the jurisdiction of such department head or the Chief Justice.

7 Sec. 2. Subsection (b) of section 53a-70c of the general statutes is
8 repealed and the following is substituted in lieu thereof (*Effective*
9 *October 1, 2017*):

10 (b) Aggravated sexual assault of a minor is a class A felony and any
11 person found guilty under this section shall, for a first offense, be
12 sentenced to a term of imprisonment, [of] twenty-five years of which
13 may not be suspended or reduced by the court and, for any subsequent
14 offense, be sentenced to a term of imprisonment of fifty years which
15 may not be suspended or reduced by the court.

16 Sec. 3. Subsection (c) of section 53a-167c of the general statutes is
17 repealed and the following is substituted in lieu thereof (*Effective*
18 *October 1, 2017*):

19 (c) In any prosecution under this section involving assault of a
20 health care employee, as defined in section 19a-490q, it shall be [a] an
21 affirmative defense that the defendant is a person with a disability as
22 described in subdivision (13), (15) or (20) of section 46a-51 and the
23 defendant's conduct was a clear and direct manifestation of the
24 disability, except that for the purposes of this subsection, "mental
25 disability", as defined in subdivision (20) of section 46a-51, does not
26 include any abnormality manifested only by repeated criminal or
27 antisocial conduct.

28 Sec. 4. Subsections (d) and (e) of section 54-47aa of the general
29 statutes are repealed and the following is substituted in lieu thereof
30 (*Effective October 1, 2017*):

31 (d) [A] Whenever an order is issued pursuant to subsection (b) of
32 this section, a telecommunications carrier shall disclose to the
33 appropriate law enforcement official call-identifying information or
34 the content of a subscriber's or customer's communications or geo-
35 location data, and a provider of electronic communication service or
36 remote computing service shall disclose to the appropriate law
37 enforcement official basic subscriber information [to a law enforcement
38 official when an order is issued pursuant to subsection (b) of this
39 section] or the content of a subscriber's or customer's communications
40 or geo-location data, as directed by the order.

41 (e) Not later than forty-eight hours after the issuance of an order
42 pursuant to subsection (b) of this section, the law enforcement official
43 shall mail notice of the issuance of such order to the subscriber or
44 customer whose call-identifying information, communications data or
45 geo-location data or basic subscriber information is the subject of such
46 order, except that such notification may be delayed for a period of up
47 to ninety days upon the execution of a written certification of such
48 official to the judge who authorized the order that there is reason to
49 believe that notification of the existence of the order may result in (1)
50 endangering the life or physical safety of an individual, (2) flight from
51 prosecution, (3) destruction of or tampering with evidence, (4)

52 intimidation of potential witnesses, or (5) otherwise seriously
53 jeopardizing the investigation. The law enforcement official shall
54 maintain a true copy of such certification. During such ninety-day
55 period, the law enforcement official may request the court to extend
56 such period of delayed notification. Such period may be extended
57 beyond ninety days only upon approval of the court. The applicant
58 shall file a copy of the notice with the clerk of the court [that issued
59 such order] for the geographical area within which any person who
60 may be arrested in connection with or subsequent to the execution of
61 the order would be presented, and such notice shall include the case
62 number assigned to such investigation pursuant to subsection (b) of
63 this section. If information is provided in response to the order, the
64 applicant shall, not later than ten days after receiving such
65 information, file with the clerk a return containing an inventory of the
66 information received. Such return and inventory shall include the case
67 number assigned to such investigation pursuant to subsection (b) of
68 this section, and such return and inventory shall remain sealed until
69 the copy of the notice is filed with the clerk pursuant to this section. If
70 a judge finds there is a significant likelihood that such notification
71 would seriously jeopardize the investigation and issues an order
72 authorizing delayed notification under this subsection, the
73 telecommunications carrier or provider of electronic communication
74 service or remote computing service from whom the call-identifying
75 information, communications data, geo-location data or basic
76 subscriber information is sought shall not notify any person, other than
77 legal counsel for the telecommunications carrier or provider of
78 electronic communication service or remote computing service and the
79 law enforcement official that requested the ex parte order, of the
80 existence of the ex parte order. Any information provided in response
81 to the court order shall be disclosed to the defense counsel.

82 Sec. 5. Subsection (f) of section 54-142a of the general statutes is
83 repealed and the following is substituted in lieu thereof (*Effective*
84 *October 1, 2017*):

85 (f) Upon motion properly brought, the court or a judge [thereof] of
 86 such court, if such court is not in session, [may] shall order disclosure
 87 of such records (1) to a defendant in an action for false arrest arising
 88 out of the proceedings so erased, or (2) to the prosecuting attorney and
 89 defense counsel in connection with any perjury charges which the
 90 prosecutor alleges may have arisen from the testimony elicited during
 91 the trial, or any false statement charges, or any proceeding held
 92 pursuant to section 53a-40b, or (3) counsel for the petitioner and the
 93 respondent in connection with any habeas corpus or other collateral
 94 civil action in which evidence pertaining to a nolle or dismissed
 95 criminal charge may become relevant. Such disclosure of such records
 96 is subject also to any records destruction program pursuant to which
 97 the records may have been destroyed. The jury charge in connection
 98 with erased offenses may be ordered by the judge for use by the
 99 judiciary, provided the names of the accused and the witnesses are
 100 omitted therefrom.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2017	New section
Sec. 2	October 1, 2017	53a-70c(b)
Sec. 3	October 1, 2017	53a-167c(c)
Sec. 4	October 1, 2017	54-47aa(d) and (e)
Sec. 5	October 1, 2017	54-142a(f)

Statement of Legislative Commissioners:

In Section 1, "The" was changed to "Each" to conform with drafting conventions, Sec. 3(c) was clarified and in Sec. 4, Subsec. (d) was clarified and references were added to communications data or geo-location data throughout. In Section 5, "of chapter 952" was deleted for proper form.

JUD *Joint Favorable Subst. -LCO*